IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 25121 of 2005

Between:

Smt. Y. Yemalatha

..... PETITIONER

AND

The Special Officer and Competent Authority,

Urban land Ceiling, 5th Lane, Arundalpet,
Guntur-2, Guntur District

.....RESPONDENT

ORDER:

Seeking a Mandamus, declaring the action of the respondent in not considering the representation of the petitioner dated 22.04.2005 in accordance with Government Memo No.73489/93 Rev./UCI Dept. dated 15.02.1994, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Land Ceiling.

It is stated that the petitioner is the wife of late Y.N.S.Prasad, who filed declaration under Section 6(1) of the Urban Land (Ceiling and Regulation) Act, 1976 (for short 'the Act'), declaring the properties held by his family in U.L.C.file No.863/76 before the respondent. It is further stated that a draft statement was issued under Section 8(1) of the Act, provisionally declaring that the declarant held 14765.30 sq.mtrs. in excess of the ceiling limit, but, however, no orders have been passed under Section 8(4) of the Act, and the respondent prepared a statement under Section 9 of the Act. It is stated that a revised Form-9 was issued by the respondent, showing the petitioner's house No.274/M2, situated at A.P.Housing Board, Sanjeevareddi Nagarm, Hyderabad, as vacant land. It is stated that the house property cannot be treated as vacant land as per Memorandum issued by the Government of Andhra Pradesh in Memorandum No.73489/UC.I(1)/93-4, dated 15.02.1994. As per the said Memorandum, the land with a building as a dwelling unit therein, the construction of which started prior to the appointed day with the approval of appropriate authority, is not to be treated as a vacant land for the purposes of calculation of total excess vacant land. But contrary to the said Memorandum, the house of the petitioner treated as vacant land. In this regard, the petitioner made a representation before the respondent on 22.04.2005, requesting to exclude the house from computation as vacant land, but the respondent has not considered the said representation so far.

Having regard to the facts and circumstances of the case, without expressing any opinion on merits, I deem it appropriate to dispose of the writ petition, with a direction to the respondent to consider and pass appropriate orders on the representation of

the petitioner dated 22.04.2005, in accordance with law, within a period of 4 (four) weeks from the date of receipt of a copy of this order.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

Dated: 25.11.2005

Dsr